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FISCAL IMPACT STATEMENT

LS 6383

BILL NUMBER: SB 110

NOTE PREPARED: Feb 16, 2010

BILL AMENDED: Feb 15, 2010

SUBJECT: Conservancy Districts.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. Bischoff

BILL STATUS: As Passed House

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) *Conservancy District Elections*. This bill provides that if there is only one nominee for election to a conservancy district board of directors to represent an area of the conservancy district, the nominee is considered elected. If there is only one nominee for election to the board for each area for which a director is to be elected, the election is not required to be held and each of the board members is considered to have been elected as if the election had been held.

Certain Conservancy District Leases. The bill authorizes a conservancy district board to enter into leases of land to providers of commercial mobile services that allow for the construction, use, and maintenance of a tower that is used for telecommunications purposes.

Exclusion of Certain Freeholders. For districts located in certain counties, if in the opinion of the secretary of the district a freehold has been divided into multiple freeholds to increase the number of voters, the bill allows the secretary to exclude the freeholders of the multiple freeholds from the list of freeholders eligible to vote. For other districts, only one vote may be cast per freehold in an election for members of the board.

Challenge Provision. The determination of the secretary may be challenged by petitioning the circuit court that created the district.

Effective Date: Upon Passage; July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: *Challenge Provision- Court Fee Revenue*: If additional civil actions occur

and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Conservancy District Elections.* This bill will reduce expenditures associated with the election of conservancy district board members. The impact will depend on conditions specific to each district.

Exclusion of Certain Freeholders- Conservancy district decisions could be affected if certain freeholders were not allowed to vote for directors.

Background- District elections are held once every four years. Three freeholders must be appointed to act as clerks to conduct the election. Boards must prepare ballots and a list of the freeholders of the district, which must be certified by the county auditor and placed in the district's files. Before the casting of a vote, each freeholder must sign the list of freeholders opposite the freeholder's name in the presence of the secretary of the district. Clerks must note the fact of receipt of a valid written ballot vote opposite the freeholder's name who cast that vote. Clerks are paid about \$100 per diem. Other expenses could include voting equipment (if necessary).

A conservancy district director may receive up \$100 and a supplemental \$50 per month if certain requirements are met under current law. In addition, a director may receive reimbursement for travel and other expenses related to their duty. Among several duties, directors supervise the fiscal affairs of their conservancy district.

Certified Levies- There are about 85 conservancy districts in the state. For tax year 2008 pay 2009, there were 57 conservancy districts with a certified property tax levy. Those levies totaled \$13.6 M.

Explanation of Local Revenues: (Revised) *Certain Conservancy District Leases.* The bill authorizes a conservancy district board to enter into leases of land to providers of commercial mobile services that allow for the construction, use, and maintenance of a tower that is used for telecommunications purposes. The amount of revenue that will be generated by this provision is indeterminable. A couple of districts already collect fees for leases.

Challenge Provision- Court Fee Revenue: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Conservancy districts, circuit courts.

Information Sources: Debbie Sillery, President, Association of Indiana Conservancy Districts, <http://aicd.info/home.html>; LOGODABA, Indiana Code.

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